

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8856.]

The Committee on Pensions, to whom was referred the bill for the relief of James A. Hull, have examined the same and report:

Your committee adopt the report of the House committee as their own and report the bill favorably, recommending its passage.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8856) granting a pension to James A. Hull, have considered the same and report as follows:

The claimant's son, Chauncy A. Hull, entered the service as a private in Company H, One hundred and ninth New York Volunteers, on the 13th of August, 1862, at Binghamton, N. Y., and he is borne on the rolls as present to April 30, 1863. He was discharged the service May 6, 1863, on surgeon's certificate of disability, which states that "he has suffered for the last 4 months with dyspepsia very severely and has proved himself incompetent for duty on account of idiocy."

He again enlisted December 25, 1863; this time in Company B, One hundred and ninth New York (the same regiment in which he served his first term), and died on or about October 14, 1864, in Fifth Army Corps field hospital, City Point, Va.; cause of death not noted in the records.

James A. Hull, the father of the soldier, filed an application for pension November 11, 1879, alleging partial dependence upon the soldier at the time of the latter's death. This claim was rejected March 7, 1887, on the ground that death cause is unknown and dependence not established.

The claim was subsequently reopened by the Pension Bureau and sent out for special examination, but on July 14, 1888, it was again rejected on the ground "that soldier did not recognize his obligation to support his father, and died by reason of his own mental incapacity to take care of himself."

It is not denied that the soldier was not "bright," but the testimony as to the extent of his mental deficiency is conflicting. It seems, however, that his mental incapacity was not such as to prevent the Government from twice accepting his services as a soldier in the same regiment. As to death cause: The evidence adduced upon the special examination of the case shows that for some time prior to his going to hospital the soldier suffered severely from disease of the liver or bowels, and there is nothing to rebut the presumption that naturally arises that he died of said disease. He died while still in the service.

The testimony shows that at and for some time prior to the time of the soldier's death his father, James A. Hull, was in poor health, being incapacitated to a considerable extent for the performance of manual labor by reason of rheumatism. In addition to this, it is shown that he was then and has been ever since a very poor man. He is now 78 years old and in destitute circumstances.

The claimant and other members of his family state under oath that the soldier contributed to his (the claimant's) support by sending him money from the Army, and that he made other contributions to his father's support. Many of the witnesses testify that they have no knowledge that the soldier ever contributed anything to

his father's support, and believe him to have been mentally incapable of doing any work by which he could be enabled to aid his father. It is shown, however, that the soldier did fatigue duty, such as wood-chopping and work around the cook-house while in the service, and your committee believe that if he could do work of that character he could also do such work around a farm as would aid his father and family. It also appears that the claimant lived in a thinly settled district, and the soldier could have done much in the way of farm work and other contributions to the support of the father and family without the fact becoming known to any one outside of the family.

It is apparent that if the relief contemplated by the bill is granted the claimant can not, in view of his great age and disabled condition, remain long upon the bounty of the Government.

After a review of all the facts, your committee return the bill with the recommendation that it do pass.

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